

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 238

HOUSE BILL 2440

AN ACT

AMENDING SECTIONS 33-1261 AND 33-1808, ARIZONA REVISED STATUTES; RELATING TO
CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1261, Arizona Revised Statutes, is amended to
3 read:

4 33-1261. Flag display; for sale signs; political petitions;
5 applicability

6 A. Notwithstanding any provision in the condominium documents, an
7 association shall not prohibit the outdoor display of any of the following:

8 1. The American flag or an official or replica of a flag of the United
9 States army, navy, air force, marine corps or coast guard by a unit owner on
10 that unit owner's property if the American flag or military flag is displayed
11 in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810;
12 4 United States Code sections 4 through 10).

13 2. The POW/MIA flag.

14 3. The Arizona state flag.

15 4. An Arizona Indian nations flag.

16 B. The association shall adopt reasonable rules and regulations
17 regarding the placement and manner of display of the American flag, the
18 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
19 nations flag. The association rules may regulate the location and size of
20 flagpoles but shall not prohibit the installation of a flagpole.

21 C. Notwithstanding any provision in the condominium documents, an
22 association shall not prohibit the indoor or outdoor display of a for sale
23 sign and a sign rider by a unit owner on that owner's property, including a
24 sign that indicates the unit owner is offering the property for sale by
25 owner. The size of a sign offering a property for sale shall be in
26 conformance with the industry standard size sign, which shall not exceed
27 eighteen by twenty-four inches, and the industry standard size sign rider,
28 which shall not exceed six by twenty-four inches.

29 D. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS, AN
30 ASSOCIATION SHALL NOT PROHIBIT BUT MAY REASONABLY REGULATE THE CIRCULATION OF
31 POLITICAL PETITIONS, INCLUDING CANDIDATE NOMINATION PETITIONS OR PETITIONS IN
32 SUPPORT OF OR OPPOSITION TO AN INITIATIVE, REFERENDUM OR RECALL OR OTHER
33 POLITICAL ISSUE ON PROPERTY DEDICATED TO THE PUBLIC WITHIN THE ASSOCIATION.
34 A CONDOMINIUM IS NOT REQUIRED TO COMPLY WITH THIS SECTION IF THE CONDOMINIUM
35 RESTRICTS VEHICULAR OR PEDESTRIAN ACCESS TO THE CONDOMINIUM. NOTHING IN THIS
36 SECTION REQUIRES A CONDOMINIUM TO MAKE ITS COMMON ELEMENTS AVAILABLE FOR THE
37 CIRCULATION OF POLITICAL PETITIONS TO ANYONE WHO IS NOT AN OWNER OR RESIDENT
38 OF THE COMMUNITY.

39 ~~D.~~ E. This section does not apply to timeshare plans or associations
40 that are subject to chapter 20 of this title.

41 Sec. 2. Section 33-1808, Arizona Revised Statutes, is amended to read:

42 33-1808. Flag display; political signs; caution signs; for sale
43 signs; political petitions

44 A. Notwithstanding any provision in the community documents, an
45 association shall not prohibit the outdoor display of any of the following:

1 1. The American flag or an official or replica of a flag of the United
2 States army, navy, air force, marine corps or coast guard by an association
3 member on that member's property if the American flag or military flag is
4 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90
5 Stat. 810; 4 United States Code sections 4 through 10).

6 2. The POW/MIA flag.

7 3. The Arizona state flag.

8 4. An Arizona Indian nations flag.

9 B. The association shall adopt reasonable rules and regulations
10 regarding the placement and manner of display of the American flag, the
11 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
12 nations flag. The association rules may regulate the location and size of
13 flagpoles but shall not prohibit the installation of a flagpole.

14 C. Notwithstanding any provision in the community documents, an
15 association shall not prohibit the indoor or outdoor display of a political
16 sign by an association member on that member's property, except that an
17 association may prohibit the display of political signs earlier than
18 forty-five days before the day of an election and later than seven days after
19 an election day. An association may regulate the size and number of
20 political signs that may be placed on a member's property if the
21 association's regulation is no more restrictive than any applicable city,
22 town or county ordinance that regulates the size and number of political
23 signs on residential property. If the city, town or county in which the
24 property is located does not regulate the size and number of political signs
25 on residential property, the association shall permit at least one political
26 sign with the maximum dimensions of twenty-four inches by twenty-four inches
27 on a member's property. For the purposes of this ~~paragraph~~ SUBSECTION,
28 "political sign" means a sign that attempts to influence the outcome of an
29 election, including supporting or opposing the recall of a public officer or
30 supporting or opposing the circulation of a petition for a ballot measure,
31 question or proposition or the recall of a public officer.

32 D. Notwithstanding any provision in the community documents, an
33 association shall not prohibit the use of cautionary signs regarding children
34 if the signs are used and displayed as follows:

35 1. The signs are displayed in residential areas only.

36 2. The signs are removed within one hour of children ceasing to play.

37 3. The signs are displayed only when children are actually present
38 within fifty feet of the sign.

39 4. The temporary signs are no taller than three feet in height.

40 5. The signs are professionally manufactured or produced.

41 E. Notwithstanding any provision in the community documents, an
42 association shall not prohibit children who reside in the planned community
43 from engaging in recreational activity on residential roadways that are under
44 the jurisdiction of the association and on which the posted speed limit is
45 twenty-five miles per hour or less.

1 F. Notwithstanding any provision in the community documents, an
2 association shall not prohibit the indoor or outdoor display of a for sale
3 sign and a sign rider by an association member on that member's property,
4 including a sign that indicates the member is offering the property for sale
5 by owner. The size of a sign offering a property for sale shall be in
6 conformance with the industry standard size sign, which shall not exceed
7 eighteen by twenty-four inches, and the industry standard size sign rider,
8 which shall not exceed six by twenty-four inches.

9 G. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
10 ASSOCIATION SHALL NOT PROHIBIT BUT MAY REASONABLY REGULATE THE CIRCULATION OF
11 POLITICAL PETITIONS, INCLUDING CANDIDATE NOMINATION PETITIONS OR PETITIONS IN
12 SUPPORT OF OR OPPOSITION TO AN INITIATIVE, REFERENDUM OR RECALL OR OTHER
13 POLITICAL ISSUE ON PROPERTY DEDICATED TO THE PUBLIC WITHIN THE ASSOCIATION.
14 A PLANNED COMMUNITY IS NOT REQUIRED TO COMPLY WITH THIS SECTION IF THE
15 PLANNED COMMUNITY RESTRICTS VEHICULAR OR PEDESTRIAN ACCESS TO THE PLANNED
16 COMMUNITY. NOTHING IN THIS SECTION REQUIRES A PLANNED COMMUNITY TO MAKE ITS
17 COMMON ELEMENTS AVAILABLE FOR THE CIRCULATION OF POLITICAL PETITIONS TO
18 ANYONE WHO IS NOT AN OWNER OR RESIDENT OF THE COMMUNITY.

APPROVED BY THE GOVERNOR MAY 23, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 23, 2008.